

**Foxborough Planning Board
Meeting Minutes
January 27, 2011
Public Safety Building**

Members Present: Kevin Weinfeld, William Grieder, Scott Barbato, Ron Bresse, Gordon Greene, Alternate John Rhoads

Also Present: Planner Marc Resnick

7:00 p.m. Review of old business

Department Fees

Marc Resnick distributed a copy of a chart prepared that compares the planning department's fees to adjacent towns and discussed the chart with the Board. He stated that the increases took into consideration the amount of time it takes to process applications, requests and site visits.

He stated that the Accessory Apartment application was increased by \$100; Multi-family dwellings and site plan review for commercial uses increased by \$500 per developed acre. Permit renewals such as temporary parking lots increased by \$200. Change of use with no new construction increased to at least \$300. ANR plans increased to \$300 minimum plus \$200 per new lot. Preliminary subdivision plans increased to \$1,500 plus \$400 per lot. Definitive subdivision plans with preliminary plans previously filed would be similar to preliminary plans fee; Definitive subdivision without preliminary plans changing the fee to an addition of preliminary and definitive subdivision plan. Modification of an approved subdivision plan would be \$300 plus \$200 per lot; Rescission of a subdivision approval would be \$300; Frontage waivers \$300 plus \$400 per lot. Subdivision inspection fees increased to \$8 per linear foot. He proposed new fees for lot releases, site plan waiver requests, bond estimates and reductions. He stated that if Board agrees with the proposed fee, will prepare the changes and will have to hold a public hearing and adopt, these changes don't require Town Meeting approval.

Gordon Greene disagreed with the increase for the Accessory apartment, would prefer the increase to be only \$50. William Grieder agreed with all changes except the accessory apartments, agreeing that the increase should only be \$50. Kevin Weinfeld stated that Foxborough fees have usually been low, agree with the adjustment suggested for the accessory apartments. Scott Barbato stated that he would like to see the frontage waiver increased to \$1,000. M.Resnick responded that a lot in a subdivision is \$800 per lot, and proposed \$750 plus \$400 per lot for a frontage waiver request.

Motion by W.Grieder to endorse the fees as discussed and to authorize M.Resnick to begin the process to hold the necessary hearing for fee adjustment. Seconded by G.Greene. Unanimous Affirmative Vote (5:0)

**7:15 p.m. Public Hearing – Scenic Road By-Law
“Christensen Estates”
67 North High Street
John & Kristine Rietz**

Kevin Weinfeld read the public hearing notice.

Engineer William Buckley represented the applicants. He stated that they will be removing a minimum amount of the stone wall that is limited to the area needed and will be reusing the stones removed from the wall. He stated that Valley Forge Elms will be planted to replace the trees that are removed.

G.Greene stated that he doesn't believe that the hearing is necessary since this is not a project of maintenance of the road. W.Buckley agreed that the bylaw was written for reconstruction of roadways. M.Resnick stated that the new road needs to tie-in to the old road, therefore the bylaw applies. W.Buckley stated that all trees to be removed were marked in December. S.Barbato stated that the stones could be used to improve stone walls along the street.

There were no comments from the public.

Motion by W.Grieder to close the public hearing. Seconded by K.Weinfeld. Unanimous Affirmative Vote (5:0)

**7:30 p.m. Public Hearing – Definitive Subdivision
“Christensen Estates”
67 North High Street
John & Kristine Rietz**

Engineer W.Buckley represented the applicant. He stated that he modified the plans according to the changes suggested by site inspector Mullaney. He stated that at the previous meeting the Board discussed the possibility of the developer extending the dead-end in the future; he shared the concern expressed about extending the cul-de-sac with his client and the client has no objection to a condition added that the dead end cannot be extended. He stated that he met with the Conservation Commission and the hearing will be kept open until this hearing is finished. He stated that they don't have a name for the roadway; his client has proposed a name to the Board of Selectmen. He stated that he will not ask that the Board sign the final plans until the street name has been approved.

John Gray, 52 North High Street – stated that he would like to see that the character of the neighborhood be kept.

There were no more comments from the public.

Motion by W.Grieder to close the public hearing. Seconded by K.Weinfeld. Unanimous Affirmative Vote (5:0)

Motion by W.Grieder to grant approval to the “Christensen Estates” subdivision with the following conditions:

1. Prior to the Board's endorsement of its approval on the definitive subdivision plan, the subdivider shall secure its completion by one or a combination of methods outlined in Section 4.04 of the subdivision regulations. However, the subdivider **shall** execute a covenant with the Board and no lot may be sold until;
 - a. The street work and associated improvements detailed on the approved definitive plan have been completed and inspected in accordance with the subdivision regulations, or
 - b. The Board is in receipt of an Irrevocable Letter of Credit, cash, or a Tri-Partite Agreement in an amount agreed to by the Board as necessary to secure the completion of

- the street work and associated improvements for the lot(s) where construction is proposed and,
- c. A Lot Release Form K has been endorsed by a majority of the Board indicating that the provisions of Paragraph 1a. or 1b. pursuant to Section 4.06 of the subdivision regulations) above have been fulfilled. The Form K must be recorded at the Registry of Deeds or Land Court.
 2. A street sign shall be placed at the intersection of North High Street and the new road as directed by the Highway Department. All street signs shall be constructed and installed in accordance with the Highway Department requirements.
 3. The applicant shall petition the Board of Selectmen to name the street within the subdivision; this name shall be included on the final plans submitted for signatures.
 4. The applicant or successors are required to maintain the drainage system. The natural low area where the drainage is to be collected shall be kept clear of debris. The catch basin located at the end of the path by the pool shall be cleaned annually. Failure to maintain the drainage system will be considered a violation of this approval.
 5. Roof runoff for all structures shall be directed into a dry well/infiltration system, located on each individual lot.
 6. A representative from the Planning Board shall review and approve the limits of clearing **prior to** the removal of the trees. The intent of this provision is to ensure that as many mature trees as possible are retained on the site.
 7. The drainage system shall be functional (re: soil stabilized, riprap installed, basins grassed, etc.) prior to a building permit being issued for any new building. The Applicant shall install Planning Board approved oil & grease traps in the catch basins.
 8. Catch basins shall be cleaned yearly or more often if required by the Operation and Maintenance Plan prior to the street being accepted as a public road by Town Meeting.
 9. The applicant or successors are required to maintain the drainage system until the street is accepted by the Town. Catch basins shall be cleaned yearly or more often if required by the Operation and Maintenance Plan, and prior to acceptance. In the event of a maintenance failure, the applicant shall be provided notice and the reasonable opportunity to cure any such deficiency; the applicant's failure to cure such deficiency in maintaining the drainage system will be considered a violation of this approval.
 10. The Planning Board reserves the right to require that any infiltration/detention basins be fenced after construction if it is determined by the Board that the basin(s) are holding water and presents a safety hazard.
 11. A construction schedule shall be submitted to the Planning Board for approval prior to the release of any lots.
 12. The Applicant shall pay the required construction inspection fee prior to any site work occurring on the property.
 13. The street shall be a public roadway.
 14. All stump disposal shall occur off-site.
 15. Lots shall be monumented as required by Section 3.02 C.1.k. and easements as required by Section 5.08 D.
 16. The erosion control plan must incorporate measures to prevent storm-water and mud (from vehicles) from entering onto North High Street during construction.
 17. The trench for the water and gas line must be properly cut, patched and infrared or if necessary the entire width of the disturbed portion of North High Street shall be overlaid with pavement. This work shall be completed and approved by the Highway Superintendent and the Board's Inspector.
 18. All work covered under the performance guarantee shall be completed to the satisfaction of the Planning Board prior to the release of such guarantee. Final release of the performance guarantee shall occur after street acceptance. The completion of the project shall occur no

later than July 1, 2013 unless extended by the Planning Board. Failure to do so shall be grounds for the Board to reopen the subdivision approval.

19. The subdivision roadway shall not be extended beyond its approved 475' limit as shown on the approved.
20. The subdivision shall be constructed in accordance with the Foxborough Subdivision Regulations unless waivers are specifically granted by the Planning Board.
21. The conditions of this Subdivision Approval shall be added to the final set of approved plans submitted to the Board for signatures.
22. The applicant shall report the status of the construction, installation and completion of the subdivision to the Board every six (6) months from the date of the definitive approval.
23. Any proposed change(s) by the Applicant, his successors or assigns from the approved plans deemed substantive by any Town official shall be submitted for review to the Planning Board. The Board shall determine if there is a need for a public hearing and shall then act accordingly on the change(s). If approved revisions shall then be illustrated on the applicable sheets within the plans and submitted to the Planning Office.
24. Mylars of the definitive plans shall be supplied to the Planning Office for endorsement within twenty (20) days after the expiration of the 20 day appeal period has expired or within 20 days from the date of a court notification supporting the Board's approval of the plans if an appeal was filed.
25. The definitive plans, Covenant and this approval letter shall be recorded either at the Registry of Deeds or the Land Court. Three copies of the endorsed, definitive plan and all recording information shall be provided to the Planning Office.

Seconded by K.Weinfeld. Unanimous Affirmative Vote (5:0)

Motion by W.Grieder to approve the work proposed to construct a new subdivision road off of a scenic road North High Street under the Scenic Road By-Law. Seconded by S.Barbato. Unanimous Affirmative Vote (5:0)

**8:00 p.m. Public Hearing – Special Permit
 “Lamson Road Water Treatment Facility”
 Foxborough Water & Sewer Department**

K.Weinfeld read the hearing notice. Engineer William Buckley was present along with Water & Sewer Superintendent Leo Potter and Bob Bell Project Manager for AECOM. He distributed a site plan dated January 24, 2011. He gave an overview of the site. He stated that the site is a 62 acres parcel off of Oak Street. The site is previously disturbed and is outside any conservation areas. They are proposing to upgrade the existing wells, construct a new water treatment facility and improve the infrastructure that serve these facilities including paving the roadway to 16' wide with swales. He stated that they will construct a containment area for chemical deliveries in front of the building similar to the one installed at the Witch Pond facility and also will have a turnaround for trucks. Utilities will come in from Cannon Forge Drive under the existing dirt road which will be also paved and will be a secondary access to be used for emergencies. The building will have a bathroom and the waste will be directed into the sewer system through Cannon Forge Drive. He discussed drainage adding that Maguire Group is reviewing the drainage and discussing it with AECOM.

W.Grieder asked what the expected traffic is during the construction phase and during daily operations. L.Potter responded that there will be no more trips a week than there are now, the building is checked once daily. There are two deliveries by 1,000 to 1,400 gallon tanks twice a month in winter and every 10 days in summer. B.Bell stated that construction will take

approximately 18 months. L.Potter added that all construction vehicles will access through Oak Street. B.Bell stated that construction hours will be from 7:00 a.m. to 3:30 p.m. but can agree to 8:00 a.m. to -3:30 p.m. with no work on weekends. He stated that the building is the same as the facility at Witch Pond but they added a bathroom.

Comments from the public:

Thomas Doucette, 12 Cobb Lane – He stated that the project is 400’ from the houses on Cobb Lane and wants to ensure that no workers or construction equipment use the Cannon Forge driveway for access.

Barbara Kurth 11 Cobb Lane – Asked what guarantee can be given that the entrance to Cannon Forge Drive will not be used. L.Potter responded that all deliveries are escorted by Water Department employees. B.Bell added that the trucks would be facing Oak Street when making deliveries. L.Potter stated that all construction workers would also be escorted by Water Department employees.

Thomas Kurth, 11Cobb Lane – Stated that the access driveway area is heavily vegetated and has concerns about cutting of trees and plantings by the road construction. K.Weinfeld asked what the plans are for landscaping that area. W.Grieder stated that they should try to soften the impact on the neighbors. B.Bell would like to pave the road, could push the roadway further west and reduce the road to 12’. He stated that they would plant trees and limit the clearing area.

J.Rhoads stated that he would like to see an enlargement of the area coming in from Cannon Forge Drive.

W.Buckley recapped the items to be addressed before the next meeting: move driveway as far west as possible, add a small wall, add trees to screen to first 300’, reduce driveway to 12’ and a provide a blow up of the area. W.Grieder stated that they consider trimming of canopy instead of tree removal.

T.Doucette asked where the sewer line goes to. B.Bell responded that it is connected to a manhole on Cannon Forge Drive. T.Doucette stated that they need to reach an agreement with Cannon Forge Association to use the sewer connection. L.Potter stated that there is an agreement in place.

J.Rhoads asked if the plant requires a full-time operator. L.Potter responded that an employee is there 2-3 hours in the morning and 1 hour in the afternoon. The plant will be removing iron and manganese from the water.

B.Kurth stated that she would like to see the finalized plan.

There were no more comments from the public.

L.Potter offered a tour of the Witch Pond plant to see the operation since this is a sister station.

Motion by W.Grieder to continue the public hearing to February 17, 2011 at 8:00 p.m. Seconded by G.Greene. Unanimous Affirmative Vote (5:0)

**9:00 p.m. Site Plan Waiver Request
“Workout World”
12 Commercial Street
WP Realty**

Attorney John Michelmore was present. K.Weinfeld read memo received from Building Commissioner Casbarra with the decision from the Zoning Board of Appeals, stating that any other uses of the vacant locale would require the developer to get a Special Permit from the Zoning Board of Appeals or the Planning Board. The Board agreed that the approval assuages the concerns voiced at the last meeting.

Motion by W.Grieder to approve the site plan waiver request for “Workout World”. Seconded by S.Barbato. Unanimous Affirmative Vote (5:0)

**9:10 p.m. Special Permit Extension Request
“The Commons at Foxborough”
34 Pleasant Street
Wooding Development**

K.Weinfeld read letter from developer Ted Wooding requesting an extension of the Special Permit for “The Commons at Foxborough” to January 5, 2012. S.Barbato stated that the neighborhood has changed since the approval was granted in 2006 and he feels that abutters should be notified of the Special Permit extension request. G.Greene felt that this is the last time that the extension is granted.

Motion by S.Barbato that the abutters of “The Commons at Foxborough” should be notified that the request of an extension will be discussed by the Board. Seconded by W.Grieder. Unanimous Affirmative Vote (5:0)

9:00 p.m. Discussion concerning the “Highlawn Farm” subdivision

Attorney Robert Shelmerdine represented the developer. M.Resnick stated that several items that were discussed during several meetings in the fall have not been done. He stated that the Board has discussed stepping in to get the lights installed; the planting of the trees in the open space; removal of debris began to be removed but has not been finished. G.Greene stated that people are living in the street and should have street lights installed this year, so the Board feels the need to start the process to pull the bond, so that the installation of the lights is done. W.Grieder stated that the Board has given the developer ample time to do commitments and it needs to make sure that the lights are installed in the spring.

R.Shelmerdine stated that he understands the Board’s frustrations over the last years and that this should get done soon. He stated that there was discussion of items that needed to be done before any more lots were released but no specific deadline was given. He suggested that the Board would permit deadlines to be established in the spring. W.Grieder stated that the Board is concerned about another developer requesting lot releases and not having the required items done.

M.Resnick agreed that deadlines need to be established and if the work is not completed by the deadlines then the bond can be pulled. G.Greene stated that he doesn’t want another winter without having street lights installed. M.Resnick stated that he will meet with attorney

Shelmerdine to set dates and present them to the Board on February 10. If the Board agrees to the deadlines set, then the developer will be sent a notification of the deadline and the consequences if the work is not done. W.Griender stated that the Board needs to get every commitment in writing. R.Shelmerdine suggested that the deadline letter can have a line for the developer to sign that he agrees to the terms.

9:45 p.m. Meeting adjourned.

Approved by: Kevin Weinfeld, Chairman

Date: March 24, 2011